United Nations CAT/C/SR.1636

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
14 May 2018

Original: English

Committee against Torture
Sixty-third session

Summary record of the 1636th meeting
Held at the Palais Wilson, Geneva, on Monday, 7 May 2018, at 3 p.m.

Chair: Mr. Modvig

Contents

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Third periodic report of Tajikistan (*continued*)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.18-07351 (E) 100518 140518

1807351

Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Third periodic report of Tajikistan (*continued*) (CAT/C/TJK/3; CAT/C/TJK/Q/3; and CAT/C/TJK/Q/3/Add.1)

1. *At the invitation of the Chair, the delegation of Tajikistan took places at the Committee table.*

2. **Mr. Rahmon** (Tajikistan) said that the Government Commission on International Human Rights Obligations was the body specifically set up to deal with human rights issues. In addition, the State Committee for National Security had responsibilities for protecting the rights and interests of citizens, including those related to the prevention of torture and cruel treatment. The registration of citizens' claims of torture and investigations into those claims were carried out by the Office of the Procurator General. Where individuals submitted complaints about torture to other law enforcement bodies, such as the State Committee of National Security, the security services of those bodies conducted an investigation.

3. The Commissioner for Human Rights (Ombudsman) also had the power to conduct investigations on the basis of communications by citizens. In so doing, he could enter any detention facility and question any individual. Under the Commissioner for Human Rights Act, the Commissioner's responsibilities had been significantly expanded with respect to the right to visit places of pretrial detention and deprivation of liberty and review case files and court decisions. The Government maintained that the establishment of yet another mechanism for investigating torture would not be appropriate.

4. In the period 1 January 2013 — 31 March 2018, the Office of the Procurator General had received 89 complaints and applications in relation to the use of torture and cruel treatment. Criminal cases against four individuals under article 143[1] of the Criminal Code had been transferred to the courts, where the sentences handed down had ranged from 2.5 to 7 years' imprisonment. Three criminal cases had been suspended because the perpetrators had not been identified. In 2017 and the first three months of 2018, under article 316 of the Criminal Code, seven criminal cases had been instigated, of which five had been referred to the courts. Seven law enforcement officers had been sentenced, one case had been suspended and one case was still under investigation. With respect to the violation of the regulations on relations between military personnel, the military courts had investigated 125 criminal cases against 159 service personnel. Of those found guilty, 24 were officers, 2 were lower-rank officers and 133 were soldiers or sergeants.

5. The Government was studying the possibility of developing a uniform electronic system that would include the whole spectrum of legal statistics, from minor offences to serious crimes. In that connection, it was undertaking consultations with international financial institutions with a view to obtaining funding and was examining the functioning of similar systems in other countries.

6. The case of Umar Bobojonov had played out somewhat differently from the account provided by non-governmental organizations (NGOs). On 28 August 2015, Mr. Bobojonov had been taken into custody, in a state of intoxication, on a charge of gross violation of public order. While attempting to flee from the police station, he had fallen on his back and sustained an injury to his head. He had immediately been transported to hospital, where he had died from his injuries on 4 September 2015. Several witnesses and a forensic analysis on 4 September 2015 had confirmed the cause of death. The investigation had been lengthy owing to the time required to perform the analysis and question witnesses.

7. It was possible to submit complaints and applications via email through the official Internet sites of the law enforcement bodies, and follow-up was given to all such applications. Units for the deprivation of liberty also had post boxes, which could be used to address applications to the Office of the Procurator General.

8. The Islamic Renaissance Party of Tajikistan had carried out a series of crimes aimed at undermining the State in recent years. The law enforcement bodies had investigated the

crimes of individuals regardless of their affiliation to the party, but following a failed coup in September 2015, the Supreme Court had declared the party a terrorist organization.

9. With regard to the procedural rights accorded to members of the Islamic Renaissance Party of Tajikistan, in all the cases mentioned by the Committee, lawyers had been provided and the accused had been duly informed about the criminal charges against them. As those cases had a bearing on public security, their assessment and judicial examination were considered confidential. Reports of the use of torture or cruel treatment against the organization were merely attempts to discredit the Government. Procurators had carefully investigated all allegations of torture and had found them to be lacking foundation.

10. Criminal cases of a mostly financial nature had been brought against Shuhrat Kudratov, Buzurgmehr Yorov and other lawyers. Reports of the use of torture or ill-treatment against Mr. Yorov had been investigated by the Ombudsman and found to be groundless. Firuz Tabarov, one of two sons of the lawyer Ishkok Tabarov, had been convicted for the recruitment of citizens of Tajikistan to fight for Islamic State in the Syrian Arab Republic. During the preliminary investigation, no acts of torture by law enforcement officials had been found to have been committed. The allegation that the conviction of lawyers was a reprisal measure for their professional activities was not true.

11. Torture and related crimes, such as the abuse of authority, had been excluded from the list of crimes for which no amnesty could be granted. Article 143[1] of the Criminal Code divided the crime of torture into less serious, serious and very serious offences, for which the statutes of limitations were 6, 10 and 15 years respectively. In order to support the victims of human trafficking, the Government had created a victim assistance fund which received money from the State budget, voluntary contributions from natural and legal persons, and grants from international organizations. Under the legislation in force, the State security agencies carried out extraditions decided by the courts if the person to be extradited did not appeal against the decision. The government decision No. 325 of 26 July 2000 listing cities in which asylum seekers could not live was intended to ensure that they were safely accommodated in concentrated areas. In order to implement article 3 of the Convention and article 33 of the Convention relating to the Status of Refugees, an inter-agency working group had been instituted. A legislative amendment was being considered that would prevent refugees and asylum seekers found guilty of criminal offences from being extradited as a matter of course.

12. The professional training of staff on how to effectively investigate allegations of torture, including the study and implementation of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), was now carried out on a systematic basis. A special programme for the training of procurators and investigating authorities had been developed with the involvement of international organizations and non-governmental organizations (NGOs) and medical professionals. Checks on places of detention by the procurator's office were carried out at least once every five days.

13. Under recent amendments to the Code of Criminal Procedure, any forcible detention was considered to be a form of de facto detention and subject to legal guarantees. Where individuals invited as witnesses had had any restrictions placed on their liberty, they had therefore received all the relevant legal guarantees, including the right to counsel. The Office of the Procurator General was responsible for ensuring that any preventive detention was lawful. The time limit on the detention of suspects for preliminary inquiries was extended to 72 hours as a preventive measure only in cases involving serious and especially serious offences and other factors, such as the likelihood that the suspect would abscond or continue to carry out criminal activities. Extra time was also occasionally needed in order to conduct investigations into cases that involved murder, rape or drug trafficking. Under a new Bar and Advocacy Act, a lawyer had access to a defendant in private, with full confidentiality and no limits on the number or length of meetings.

14. Under the Penalties Enforcement Code, minors could be placed in a punishment cell in young offenders' institutions for up to 7 days. Such a disciplinary measure was used as an emergency measure in very rare cases to protect other young inmates from harm. The programme for the reform of the juvenile justice system for the period 2017–2021 provided

for the elimination of such disciplinary cells. The corporal punishment of children was prohibited by law, including the Family Code.

15. In the armed forces, more than 3,000 training activities had been held to deal with hazing, as a result of which the number of crimes related to relations between service personnel and exceeding of authority had dropped significantly.

16. The Government was undertaking work to ensure that national legislation provided for all forms of compensation for victims of torture, including restitution, compensation, rehabilitation and guarantees of non-repetition. The right to compensation for material and moral damage was regulated by the Code of Criminal Procedure and the Civil Code. As was mentioned, the courts had granted compensation to victims of torture in eight cases in recent years, but the creation of a special administrative body to provide assistance to victims without addressing the courts was not foreseen.

17. **Mr. Sattorzoda** (Tajikistan) said that the Office of the Ombudsman had unimpeded access to State authorities, local authorities and other organizations regardless of their legal status. Between 2014 and 3 May 2018, the Ombudsman had established a monitoring group and visited 65 facilities, including 22 temporary holding facilities, 4 pretrial detention centres, 6 young offenders' institutions, 4 penitentiary facilities, 12 psychiatric facilities, 2 homes for persons with disabilities and for older persons, and 15 military units. The Ombudsman's annual reports were discussed by government bodies and international non-governmental organizations and submitted to the parliament, the Constitutional Court, the Supreme Court and the Office of the Procurator General.

18. By a presidential decree, a national plan of action had been adopted to follow up on the recommendations made by the Human Rights Council within the framework of the universal periodic reviews for the period up to 2020. One of those recommendations was for the Office of the Ombudsman to be brought into line with the Paris Principles. A plan had been adopted to that effect and a working group had been established to analyse the national legislation of countries whose national human rights institutions did enjoy category A status. The activities of the monitoring group for visits to places of deprivation of liberty included representatives of NGOs and the Coalition against Torture and Impunity. The Government was currently considering the Human Rights Council recommendation to accede to the Optional Protocol to the Convention by 2020 and exploring the possibility of establishing a national preventive mechanism.

19. **Mr. Alamshozoda** (Tajikistan) said that the Government paid particular attention to the prevention of torture and ill-treatment and the protection of the rights of detainees. Between 2013 and 2017, legislative amendments had been introduced to strengthen the main guarantees and safeguards of the rights of detained persons. It was prohibited by law to hold persons in facilities other than established institutions of the prison system, and anyone who violated those rules was subject to prosecution.

20. In accordance with order No. 30 of the Procurator General of February 2016, the conditions of detention in pretrial and military detention centres were inspected on a regular basis. A log book existed in all places of detention as part of the general register of all arrests and contained information on inmates, their date of detention, the grounds for their arrest and the grounds of any possible transfer or release.

21. In the light of the fact that acts of torture were more likely to occur at the early stages of detention, a decree had been issued on detainees' rights upon arrest. Among other things, it emphasized their right to see a lawyer, undergo a medical examination and inform family members of their whereabouts. Regarding the alleged incommunicado detention of Djovijon Khakimov, it should be pointed out that he had been detained in a temporary holding facility in January 2017 for a breach of the Code of Administrative Offences and that his family members had been immediately informed of his location. Criminal charges had later been filed against him for participation in a criminal organization and illegal involvement in an armed conflict or military action in a third country. Action had been taken to prevent torture in places of deprivation of liberty, with the result that, in 2017, a number of police officers had been dismissed for abuse of office. The conduct of law enforcement officers was also monitored through video surveillance and, if any violations of the rights of persons in custody were found to have occurred, the necessary measures

were taken. Moreover, to gain a promotion, police officers were required to pass an examination on national and international legislation covering acts of torture and ill-treatment.

22. Concerted efforts had been made to combat domestic violence. For example, the Government had adopted the Prevention of Domestic Violence Act in 2013, with a view to identifying and tackling its root causes and strengthening preventive mechanisms, and the State Domestic Violence Prevention Programme for the period 2014–2023, which included initiatives aimed at raising public awareness of the issue. Crisis centres had been set up to provide legal and psychological support to women victims of domestic violence, and there were plans to increase the number of police officers around the country who specialized in preventing and combating domestic violence. The majority of those posts were occupied by women officers, who received special training. The Republic of Moldova had shared a number of its good practices and had made recommendations on how to improve the way domestic violence was tackled in Tajikistan. As things stood, domestic violence offences were punishable under various provisions of the Criminal Code, such as those concerning assault and harassment. During the reporting period, many cases had been prosecuted either under those provisions or as administrative offences. However, a working group had been set up to give consideration to establishing domestic violence as a separate offence under the Criminal Code. Special training on preventing domestic violence had also been introduced at the Ministry of Internal Affairs Academy, and members of law enforcement regularly attended courses, round tables and seminars on the subject. The Prevention of Domestic Violence Act also prohibited physical or psychological violence against children. Moreover, under the Education Act, teachers and other members of staff working in the education sector were obliged to protect children from all forms of physical and psychological violence, including corporal punishment. Teaching staff received mandatory training in that regard. Awareness-raising activities were also carried out in conjunction with State agencies and NGOs and efforts had been made to prevent and punish violence against children by parents and guardians.

23. Tajikistan was a country of origin for trafficking in persons; in particular, young women were often deceived and lured into prostitution abroad, usually in the Middle East and the Russian Federation. In order to tackle the problem, a national plan for the prevention of trafficking in persons for the period 2016–2018 had been adopted, guidelines and procedures on providing support to victims had been introduced and a centre for combating human trafficking had been established — with support from the United States Embassy in Tajikistan. Efforts were also being made to improve the assistance provided to trafficking victims. A memorandum of understanding had been signed between the Ministry of Internal Affairs and the International Organization for Migration (IOM), through which victims identified by law enforcement, in particular women and children, could be referred to a crisis centre for comprehensive support and, if necessary, legal assistance. Women victims were also eligible for training to enable them to seek employment and resume their lives; child victims were supported to complete their schooling and received assistance to encourage them to pursue higher education.

24. **Ms. Umarzoda** (Tajikistan) said that the Ministry of Health and Social Protection had taken specific measures aimed at implementing the principles of the Istanbul Protocol. For example, a working group had been set up to bring medical documentation and guidelines on medical and psychiatric examinations into line with the standards of the Protocol, and medical professionals, including forensic experts, had received appropriate training on identifying and documenting signs of ill-treatment. It should be pointed out that the forensic experts of the Ministry of Health and Social Protection were entirely independent of the judicial authorities, and their independence was provided for by law. Although there were no rehabilitation facilities solely for victims of torture, a network of rehabilitation centres did exist in Tajikistan, providing social and psychological assistance and reintegration services free of charge for vulnerable groups of persons, such as victims of domestic violence. A decree had been adopted in May 2017 on the provision of medical assistance in places of deprivation of liberty and custody, in line with the Istanbul Protocol, which was shortly to be implemented.

25. Efforts to prevent torture and tackle its root causes included the use of new methodologies and technologies for criminal investigation and forensic medicine. The country's first forensic laboratory had been established for that purpose and had been co-financed by the United Nations Development Programme and the Government of Finland. As a result, forensic scientists had been able to perform DNA analyses that had proven decisive in a number of criminal cases. Such developments therefore contributed to the detection and prevention of acts of torture. The Government of Tajikistan called on the international community and donor organizations to support it in introducing further, innovative methods of combating torture and ill-treatment. NGOs working in the area of rehabilitation of victims of torture were eligible to receive funding from the Government, which had tripled its contributions to 3 million somoni (SM). As for the rehabilitation of victims of trafficking, psychologists of the Ministry of Health and Social Protection not only worked with the country's various State- and NGO-run shelters for vulnerable persons but also in close cooperation with IOM, which had established centres for trafficking victims in two main cities. Administration of those centres was shortly to be taken over by the Ministry of Health and Social Protection, with funding being provided from the State budget. Certain categories of vulnerable persons, including victims of domestic violence and trafficking victims, were entitled to receive certain benefits and medical care. The Government was currently revising government decision No. 600 of 2 December 2008 on medical assistance to take the situation of trafficking victims into account. Guidelines on the provision of psychosocial assistance to victims were also being drawn up for health-care professionals and psychologists.

26. **Mr. Mahmudzoda** (Tajikistan) said that, under the Office of the Commissioner for Human Rights, a monitoring group comprising representatives of NGOs, State agencies and the Coalition against Torture and Impunity had been created to undertake preventive visits to correctional facilities, as a precursor to a national preventive mechanism. The Government ensured that the monitoring group had unfettered access to places of deprivation of liberty and had received no complaints in that regard. Moreover, the Government had extended a standing invitation to the United Nations special procedures mandate holders, several of whom, such as the Special Rapporteur on the right to health and the Special Rapporteur on torture, had visited the country during the reporting period and had given a positive account of the conditions and functioning of the system of detention.

27. Tajikistan was fully committed to cooperating with the International Committee of the Red Cross (ICRC), as evidenced by the establishment of the monitoring group. A meeting had taken place between the Ministry of Justice and ICRC in 2015 to discuss an agreement on the conditions of access to places of deprivation of liberty; however, ICRC had yet to submit a version that took into account the demands of the Government. Funding for the prison system had been increasing. Inmates were allocated individual beds and were issued with suitable bedding, clothing and footwear. The nature and quantity of food varied according to an inmate's health, place of detention and level of physical exertion. Inmates were informed of their rights. Construction of a new prison and facilities for drug addicts and prisoners with tuberculosis was near completion, and land had been purchased with a view to building additional centres. Bathrooms in all places of detention were equipped with hot water heaters. Complaint boxes were also universal and only prosecutors who supervised prisons could access them. Inmates had unlimited access to the telephone booths.

28. All correctional facilities had medical wards, and there was a central hospital that treated inmates and prison staff alike. In 2013, with the support of the Global Fund to Fight AIDS, Tuberculosis and Malaria, a tuberculosis wing, equipped with special digital imaging machines, had been added to the central hospital. More than 250 inmates living with HIV/AIDS received medication with support from the Global Fund. A plan had been devised to improve the quality of medical assistance by providing training to doctors on the Istanbul Protocol and developing a form for the documenting of signs of torture and ill-treatment. Pretrial detainees were required to undergo a medical examination by a health-care professional and be provided with a copy of the report.

29. The administration of the establishment where a person was being detained was responsible for immediately informing family members. Detainees could meet privately with a lawyer from the moment of their arrest and were entitled to two 3-hour visits with

relatives per month. Since a moratorium on capital punishment had been declared, death sentences had been commuted to life sentences. Persons serving life sentences could receive a small number of packages and were entitled to short-term visits. The Government had designated a piece of land and the budget was being approved for the construction of a dedicated facility for persons serving life sentences. The recommendations regarding the segregation of minors from adults and the provision of psychological assistance to child victims and witnesses had been included in the planned reform of the juvenile justice system.

30. The number of deaths in correctional facilities had dropped as a result of enhanced medical services. Nevertheless, the Ministry of Health and Social Protection had established a protocol for the forensic examination of persons who died in custody and any deaths were investigated by the prison authorities and the prosecutor. Regarding the death of Ismoil Bachajonov, a criminal investigation had been conducted, resulting in the sentencing of the three officials responsible for his death to between 3 and 8 years in prison. His wife had received compensation. Training courses had been held during the reporting period in accordance with the Committee's previous concluding observations.

31. **Ms. Gaer** (Country Rapporteur) said that she would appreciate a reply to her questions regarding: the role of the Ministry of Security in the implementation of the Convention; the steps taken in response to allegations of torture or ill-treatment brought to light by the monitoring group; the plans to allocate additional resources to the Office of the Commissioner for Human Rights in order to allow the monitoring group to adequately perform its duties, including visits to pretrial detention centres, plans to authorize NGOs to conduct their own visits; the dramatic decrease in the number of practising lawyers; and the plans to invite the Special Rapporteur on the independence of judges and lawyers to visit the State party. No reply had been given to her questions about who the investigating authorities had been in the cases of Mahmadali Hayit, Rahmatullo Rajab and Umarali Husaynov, the precise nature of the investigation carried out in the Umar Bobojonov case, whether an independent investigation had been conducted into the claim that Shuhrat Kudratov had been prosecuted in retaliation for his work as a defence lawyer, whether the allegations that public officials had threatened victims of torture or their relatives with reprisals for having lodged their complaints and the measures being taken to facilitate the filing and investigation of retaliation claims.

32. She would appreciate the delegation's comments on the content of the amendments to article 143[1] of the Criminal Code, particularly with regard to the possibility of amnesty, plans to remove the statute of limitations in respect of torture and the rules for ending an investigation into allegations of torture. It would be helpful to know how many refugees had been returned to Afghanistan, how many had received assistance from the Office of the United Nations High Commissioner for Refugees and whether any investigations had been conducted into claims that refugees had been tortured by officials of the State Committee for National Security. Was there a timeline for making domestic violence a criminal offence? What protection did trafficking victims receive?

33. **Ms. Racu** (Country Rapporteur) said that she welcomed the significant steps taken to improve training for law enforcement officials, but that it was not clear whether the training was compulsory and a part of the curriculum for judges, prosecutors, prison personnel and the military. She also wished to know whether police doctors received training in the Istanbul Protocol. She recalled that the Convention should be included in the basic and in-service training of all law enforcement officials and that the training should be needs-based and assessed regularly. She would appreciate a more detailed explanation of the obstacles Tajikistan faced in ratifying the Optional Protocol to the Convention.

34. The Committee remained concerned about the application of fundamental legal safeguards, in particular access to a lawyer and a doctor, and awaited further comment on the issue, specifically on whether persons held in administrative detention pending a criminal investigation enjoyed the same right to challenge their arrest in practice, the requirement that inmates should submit a written request in order to see a lawyer, the number of complaints regarding access to counsel filed by individuals in police custody and the lack of privacy during medical examinations.

35. Regarding documentation of injuries and signs of torture or ill-treatment, she wished to know how many medical reports including such signs had been transmitted to the Procurator General or to the investigative bodies and how many of them had resulted in investigations and criminal prosecutions. She was concerned that medical staff were under the authority of the prison and police administration, which undermined the independence of the staff. She asked whether detainees received copies of their medical examinations, what percentage of prisons had their own medical facilities and how many used public health facilities. She wished to know how many medical staff were employed in the police detention units and in the prison system.

36. She welcomed the information provided by the delegation concerning upgrading of prison facilities, but wished to know the precise size of the prison population and how many persons were held in pretrial detention. The technical question asked previously on the amount of space allocated under the national legislation to each prisoner remained unanswered as did that on the daily budget allocation for prisoners' food. The Committee was concerned about reports that the State party's prison regime was very punitive, in particular for prisoners serving long sentences, and she would like to know whether any changes had been made to provide more occupational and recreational activities in prisons, including for minors. She also asked whether adjustments to disciplinary procedures had been made and prisoners' contact with the outside world had improved. She wished to know what was the average duration of solitary confinement.

37. The Committee remained concerned over reports of hazing of new recruits to the army, sometimes with the approval of high-ranking officers, and would like to know whether improvements to the complaints mechanisms in place were planned. She would appreciate more information on whether the prosecutor's right to inspect detention centres extended to the military and on the outcomes of such inspections. What measures had the State party taken to reduce the high incidence of violence in the military?

38. **Mr. Rodríguez-Pinzón** said he wondered whether the Supreme Court decision of 25 June 2012 on violations of criminal proceedings aimed at preventing torture in pretrial detention settings was a binding judgment or simply a recommendation. He also wished to know whether the State party had plans expressly to recognize the right of victims of torture to receive compensation and redress, in line with article 14 of the Convention. He would appreciate information on measures to be taken by the State party to ensure that such compensation was paid and, most importantly, was commensurate with the harm caused. The delegation had mentioned some cases in which extrajudicial administrative compensation procedures had been engaged and the Committee would welcome more information on those cases. The delegation had provided welcome budgetary information, but it entirely concerned trafficking and domestic violence.

39. **Ms. Belmir** wished to know what steps the State party envisaged to redress the balance between the prosecution and judges in order to ensure a fair trial. The State party had inherited a system in which the Procurator General had extensive powers, especially in respect of criminal sanctions, including the reduction of sentences or even the granting of amnesties.

40. **Mr. Hani** said that government decisions containing a list of places in Tajikistan where asylum seekers were not permitted to stay were discriminatory. He asked whether the delegation could provide the numbers of persons from whom the status of refugee had been withdrawn, and their residence permit confiscated, under those decisions. Reliable reports had it that such withdrawals concerned in particular Afghan refugees of the Hazara ethnic group, and he wondered whether a discriminatory dimension was present and whether the State party intended to amend the decisions.

41. **The Chair** asked if the State party could provide figures on where prisoners suffering from HIV/AIDS or from tuberculosis had contracted those diseases, whether within or outside the prison system. Infection within the prison system amounted to an additional sanction and, as such, to ill-treatment. He also wished to know whether there had been an increase in the number of reports submitted by police medical officers following their training in the Istanbul Protocol.

The meeting was suspended at 5.30 p.m. and resumed at 5.35 p.m.

42. **Mr. Sattorzoda** (Tajikistan) said the delegation would address the Committee's concerns that insufficient funding and human resources for the Ombudsman's Office made it impossible to monitor all the facilities under the State Committee for National Security. Most of those facilities were located in Dushanbe or the provincial capitals throughout the country, which facilitated monitoring. The Ombudsman had the right to make unscheduled visits to monitor conditions in the institutions.

43. The Supreme Court decision adopted on 25 June 2012 set out rules and instructions for courts on how to treat cases involving torture under article 143[1] of the Criminal Code, including the procedures for compensation and redress. When a claim that torture had occurred was made during legal proceedings, the proceedings were suspended and the case referred to the Procurator General for investigation of the facts. Courts were instructed to pay special attention to records of detention with regard to statutory time limits. Where evidence was shown to have been obtained through the use of torture, it was automatically deemed inadmissible.

44. **Mr. Alizoda** (Tajikistan) said that, while no cases of torture had been detected during the monitoring exercises of the Office of the Ombudsman, two cases of the alleged use of torture had come to light, including the case of Buzurgmekhr Yorov. Allegations of that sort were made by the relatives of the accused. In the case of Mr. Yorov, the accused person categorically denied that any torture had been used against him and had even made a written statement to that effect. The allegation had been made by someone in the news media. In the second case, the accused was completely unaware that any such allegations had been made on his behalf in the media.

45. Resources were sufficient for monitoring purposes. The monitoring was organized with the help of NGOs. The Anti-Corruption Agency and Drug Control Agency had the authority to hold persons in temporary custody for a period of 72 hours, after which transfer to the pretrial detention centre was obligatory. There were no restrictions imposed on visits by the Ombudsman's Office to detention facilities under the jurisdiction of the State Committee for National Security. With respect to the questions raised about staffing levels, the Office had trained a further six persons in monitoring duties, including institutions for older persons, for children or for persons with disabilities and psychiatric hospitals. Regarding the transparency of the selection process, staff were recruited on a competitive basis, and preference was given to women applicants through a points system.

46. Ratification of the Optional Protocol to the Convention was going ahead in Tajikistan, and it was a question of determining which model was the best suited to the country. The national plan for the implementation of the universal periodic review recommendations covered the period up to 2020, and it was at that date that Tajikistan would submit its conclusions regarding ratification of the Optional Protocol and the establishment of a national preventive mechanism.

47. Turning to the issue of the criminal case against the members of the Supreme Political Council of the Islamic Renaissance Party, he said that representatives of the Office of the Ombudsman had been present during the legal proceedings and no allegations of torture had been made by any of the parties or by their relatives.

48. **Ms. Umarzoda** (Tajikistan) said that, in 2016, an expert working group had analysed the curricula for forensic medicine at the law faculty of the National University and had developed two training programmes covering forensic science and psychiatry. They were aimed at fifth year students with a specialization in forensics, including modules on the detection of torture. Forensic medicine was also taught at the medical faculty of the University. Students in all faculties studied law, including modules covering offences against the person and injury resulting from torture. Students were taught to correctly determine and document the various degrees of bodily harm defined under the Criminal Code. The working group and the staff of the academic institutions would carry out an assessment of the effectiveness of the courses and the extent to which students had profited from them.

49. In accordance with the collection of laws and regulations relating to forensic reports, where any sign of torture or ill-treatment was present, the authorities that ordered the examinations in question or other law enforcement body must undertake an assessment in

line with the Istanbul Protocol and submit their findings to the relevant supervisory body, including the Office of the Procurator. A new form had also been adopted setting out a protocol for the medical examination of detainees, which could be filled in by first line medical staff, whether doctors or nurses, who had gone through the relevant training. The form guaranteed certain essential elements, including the right to receive a copy of the results of the examination, the identification of any possible injuries, attested by a doctor, and certification that the doctor had received the requisite training. Records were kept for a 10-year period.

50. **Mr. Mahmudzoda** (Tajikistan) said that there had been 62 deaths in detention in 2015, 60 in 2016, 52 in 2017 and 16 in the first four months of 2018. Regarding the minimum living area allotted to prisoners, the law provided for: at least 2 m^2 per inmate in correctional institutions; at least 3 m^2 in women's colonies; at least 3.5 m^2 in young offenders' institutions; at least 5 m^2 in secure hospitals; and at least 4 m^2 in remand centres.

51. On average, there were more than 2,000 persons in pretrial detention, but that was a daily figure subject to change. No complaints had been made during the visits carried out by the Ombudsman, and plans were ongoing to reinforce that institution. Tajikistan had separate young offenders' institutions, and there were currently 64 minors held in the institutions.

52. **Mr. Rahmon** (Tajikistan) said that evidence or proof extracted through torture or ill-treatment, in accordance with the law, was declared inadmissible. Two or three such cases occurred annually, and the Procurator carried out a thorough investigation. Where there was evidence that such methods were used during investigations, the officials in question were liable to criminal prosecution.

53. Regarding the death of Mr. Umar Bobojonov, the experts' report showed that the death had resulted from a head injury caused by a fall. Witnesses had been present. The case had been under his personal supervision. The investigations were proceeding through the courts and, if evidence that violence or torture was found, the appropriate measures would be taken without fail.

54. There had been eight claims for compensation for torture all of which had been granted. The victims had been awarded compensation ranging from 34,000 to 80,000 somoni, with full account taken of the circumstances to ensure that the compensation was adequate.

55. **The Chair** said he wished to thank the delegation for pursuing the constructive dialogue. The delegation could submit written replies to questions it had not had time to answer. For replies to be taken into account in the Committee's concluding observations, they must be submitted before Wednesday, 9 May at 6 p.m. Concluding observations included some recommendations for urgent follow-up, with a request to the State party to report on action taken in that respect within one year. States parties were also invited to include an implementation plan for part or all of those urgent recommendations.

The meeting rose at 6.05 p.m.